

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM SPILLMAN and)	
KATRINA GARCIA SPILLMAN,)	
)	Case No. 1:19-cv-660-KK-LF
Plaintiffs,)	
)	
v.)	
)	
METROPOLITAN LIFE INSURANCE)	
COMPANY and VERIZON WIRELESS,)	
)	
Defendants.		

UNOPPOSED MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs William Spillman and Katrina Garcia Spillman (collectively, “Plaintiffs”) hereby request leave of this Court to file their First Amended Complaint. Plaintiffs move to amend their original Complaint, filed on May 22, 2019 in the Seventh Judicial District, subsequently removed to The United States District Court for the District of New Mexico on July 22, 2019, to add Employee Retirement Income Security Act (“ERISA”) claims against Verizon Wireless, and to clarify claims against Metropolitan Life Insurance Company (“Met Life”).

In accordance with Local Rule 15.1, a copy of Plaintiffs’ proposed First Amended Complaint is attached hereto as **Exhibit A**. The Amendment should be permitted here because this case is at an early stage, Plaintiffs are acting in good faith and have not delayed in seeking the amendment, and Defendants will not be prejudiced by allowing Plaintiffs to amend. Plaintiffs

have determined that the addition of ERISA claims against Verizon Wireless and clarification of claims against Met Life will assist in a final adjudication of Defendants' violations under ERISA. This Motion is supported by the accompanying Memorandum of Points and Authorities.

Counsel for Defendants do not oppose this Motion but reserve all defenses, including the right to file a Motion to Dismiss.

Respectfully submitted,

DAVIS MILES MCGUIRE GARDNER, PLLC

/s/ Penelope Quintero

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2019, a true and correct copy of the foregoing Motion to Amend was served by operation of the Court's electronic filing system and through e-mail upon the following counsel of record:

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